

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EDDIE GARCIA,

Plaintiff,

NOTICE OF MOTION

v.

Civil Action No. 1:21-cv-06393-EAW

LEWIS TREE SERVICE, INC. and ROBERT
GASTON,

Defendants.

MOVING PARTIES: Defendants Lewis Tree Service, Inc. and Robert P. Gaston.

RELIEF REQUESTED: An order dismissing the Complaint [Dkt. 1] with prejudice, and for such other relief as the Court deems just and proper.

GROUND FOR MOTION: Federal Rules of Civil Procedure 12(b)(1), (2) and (6).

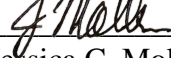
SUPPORTING PAPERS: Affidavit of Robert P. Gaston, sworn to August 5, 2021 and Defendants' Memorandum of Law dated August 9, 2021. Defendants intend to file and serve reply papers.

**DATE, TIME, AND
PLACE OF HEARING:** To be scheduled by the Court. Defendant respectfully requests oral argument.

Dated: August 9, 2021

Respectfully submitted,

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